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09/622,722	09/28/2000	Tatsuya Wakahara	SONYJP-092	3131

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EXAMINER

TRAN, THAI Q

ART UNIT PAPER NUMBER

2615

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

9

## Office Action Summary

Application No.

09/622,722

Applicant(s)

WAKAHARA ET AL.

Examiner

Thai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it exceeds 150 words.

Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

4. Claims 11-16 are objected to because of the following informalities:

Regarding claim 11, what is the difference between "timer record operation setup means for setting up a timer record operation for a desired program" recited in claim 11, lines 9-11 and "timer record operation setup means for setting up a timer record operation for a desired program" recited in lines 16-18? Said "timer record operation setup means for setting up a timer record operation for a desired program" recited in lines 16-18 should be deleted. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-2 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wonfor et al (US 2002/0172362 A1) in view of Knudson et al (US 2004/0073927 A1).

Regarding claim 1, Wonfor et al discloses a digital broadcast receiving system (Fig. 2), comprising:

a digital broadcast receiving device (set-top box 10 of Fig. 2, page 3, paragraph #0040) for receiving a digital broadcast transmitted with a transport stream of which video data and audio data are compressed and decoding the received signal of the digital broadcast; and

a plurality of digital signal processing devices (TV set 22 and VCR 24 of Fig. 2, paragraphs #0038 and #0039) for processing a digital signal,

wherein said digital broadcast receiving device and said plurality of digital signal processing devices are connected through an interface and a digital signal is exchanged between said digital broadcast receiving device and said plurality of digital signal processing devices (interfaces between set-top box 10, TV set 22, and VCR 24 of Fig. 2, paragraphs #0038 and #0039). However, Wonfor et al does not specifically disclose that the digital broadcast receiving device comprises:

timer record operation setup means for setting up a timer record operation for a desired program;

copy prohibition determining means for determining whether or not a program to which the timer record operation has been set up is prohibited from being digitally copied; and

displaying means for displaying an indication that represents that a program that has been set up for the timer record operation cannot be digitally copied when the program is prohibited from being digitally copied.

Knudson et al teaches a set-top box 34 (page 3, paragraph #0039) having timer record operation setup means (control circuit 36 of Fig. 1, page 4, paragraph #0049) for setting up a timer record operation for a desired program; copy prohibition determining means (circuitry 38 of Fig. 1, page 3, paragraph #0041 and pages 5-6, paragraph #0063) for determining whether or not a program to which the timer record operation has been set up is prohibited from being copied; and display means (pages 5-6,

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paragraph #0063) for displaying an indication that represents that a program that has been set up for the timer record operation cannot be copied when the program is prohibited from being copied.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of displaying a message informing the user that the selected program may not be recorded when the system determines that the selected program is copy protected as taught by Knudson et al into Wonfor et al's system in order to warn the user that the selected programs are copy protected and therefore can not be useable if recorded.

Regarding claim 2, Wonfor et al also discloses the claimed an analog signal processing device for exchanging an analog signal with said plurality of digital broadcast receiving devices (page 3, paragraph #0038 of Wonfor et al) and the claimed wherein the digital broadcast receiving device further comprises: analog copy prohibition determining means (page 3, paragraph #0038 of Wonfor et al) for determining whether or not a program to which the timer record operation has been set up is prohibited from being analogously copied, and Knudson et al teaches the claimed wherein when the program to which the timer record operation has been set up is prohibited from being analogously copied (pages 5-6, paragraph #0063 of Knudson et al), said displaying means displays an indication that represents that said analog signal processing device cannot copy the program to which the timer record operation has been set up.

Claims 9-10 are rejected for the same reasons as discussed in claims 1-2 above.

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7. Claims 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wonfor et al (US 2002/0172362 A1) in view of Marsh et al (US 6,208,799 B1).

Regarding claim 3, Wonfor et al discloses a digital broadcast receiving system (Fig. 1), comprising:

a digital broadcast receiving device (set-top box 10 of Fig. 2, page 3, paragraph #0040) for receiving a digital broadcast transmitted with a transport stream of which video data and audio data are compressed and decoding the received signal of the digital broadcast; and

a plurality of digital signal processing devices for processing a digital signal (TV set 22 and VCR 24 of Fig. 2, paragraphs #0038 and #0039),

wherein said digital broadcast receiving device and said plurality of digital signal processing devices are connected through an interface and a digital signal is exchanged between said digital broadcast receiving device and said plurality of digital signal processing devices (interfaces between set-top box 10, TV set 22, and VCR 24 of Fig. 2, paragraphs #0038 and #0039). However, Knudson et al does not specifically disclose that the digital broadcast receiving device comprises: a timer record operation setup means for setting up a timer record operation for a desired program and timer record operation execution controlling means for determining whether or not the program can be recorded and for canceling the timer record operation and issuing a message that represents that the timer record operation cannot be performed when the program cannot be recorded as the determined result.

Marsh et al teaches a VCR recording timeslot adjustment having timer recording operation setup means (VCR record timer 27 of Fig. 2, page 6, line 62 to col. 7, line 8); and timer record operation execution controlling means (CPU 25 of Fig. 2, col. 12, lines 62-67 and col. 13, lines 36-43) for deterring whether or not the program can be recorded and for canceling the timer record operation and issuing a message that represents that the timer record operation cannot be performed when the program cannot be recorded as the determined result.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of automatically adjusting the VCR recording function of a set-top in a manner to accommodate the occurrence of a program-delay event or a program cancel event as taught in Marsh et al into Wonfor et al's system in order to accurately unattended record the television program.

Regarding claim 4, Marsh et al discloses the claimed wherein said timer record operation execution controlling means determines that the timer record operation cannot be executed when one of the plurality of digital signal processing devices that executes the timer record operation is operating (checking conflict with another active VCR-record timer 27 disclosed in page 8, lines 56-67).

Regarding claim 5, the combination of Knudson et al and Marsh et al discloses all the claimed limitations as discussed in claim 3 above except for providing that the record medium is loaded to a device.



The capability of loading video cassette to video cassette recorder to record the desired video program is old and well known in the art and; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known loading video cassette to video cassette recorder into Knudson et al's system in order to accurately record video program on the video cassette for later use.

Regarding claim 6, Marsh et al also discloses the claimed wherein when a synchronous record operation is performed between two of said plurality of digital signal processing devices, said timer record operation execution controlling means determines that the timer record operation cannot be performed (checking conflict with another active VCR-record timer 27 disclosed in page 8, lines 56-67).

Regarding claim 7, Marsh et al discloses the claimed wherein while an output signal of said digital broadcast receiving device is being recorded, said timer record operation execution controlling means determines that the timer record operation cannot be executed (checking conflict with another active VCR-record timer 27 disclosed in page 8, lines 56-67).

Regarding claim 8, Marsh et al discloses the claimed wherein said timer record operation execution controlling means detects the states of said plurality of digital signal processing devices corresponding to data transmitted through the interface so as to determine whether or not the timer record operation can be executed (checking conflict with another active VCR-record timer 27 disclosed in page 8, lines 56-67).

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8. Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wonfor et al (US 2002/0172362 A1) in view of Knudson et al (US 2004/0073927 A1) as applied to claim 1 above, and further in view of Marsh et al (US 6,208,799 B1).

Regarding claim 11, Wonfor et al discloses a digital broadcast receiving system (Fig. 2), comprising:

a digital broadcast receiving device (set-top box 10 of Fig. 2, page 3, paragraph #0040) for receiving a digital broadcast transmitted with a transport stream of which video data and audio data are compressed and decoding the received signal of the digital broadcast; and

a plurality of digital signal processing devices (TV set 22 and VCR 24 of Fig. 2, paragraphs #0038 and #0039) for processing a digital signal,

wherein said digital broadcast receiving device and said plurality of digital signal processing devices are connected through an interface and a digital signal is exchanged between said digital broadcast receiving device and said plurality of digital signal processing devices (interfaces between set-top box 10, TV set 22, and VCR 24 of Fig. 2, paragraphs #0038 and #0039). However, Wonfor et al does not specifically disclose that the digital broadcast receiving device comprises:

timer record operation setup means for setting up a timer record operation for a desired program;

copy prohibition determining means for determining whether or not a program to which the timer record operation has been set up is prohibited from being digitally copied; and

displaying means for displaying an indication that represents that a program that has been set up for the timer record operation cannot be digitally copied when the program is prohibited from being digitally copied.

Knudson et al teaches a set-top box 34 (page 3, paragraph #0039) having timer record operation setup means (control circuit 36 of Fig. 1, page 4, paragraph #0049) for setting up a timer record operation for a desired program; copy prohibition determining means (circuitry 38 of Fig. 1, page 3, paragraph #0041 and pages 5-6, paragraph #0063) for determining whether or not a program to which the timer record operation has been set up is prohibited from being copied; and display means (pages 5-6, paragraph #0063) for displaying an indication that represents that a program that has been set up for the timer record operation cannot be copied when the program is prohibited from being copied.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of displaying a message informing the user that the selected program may not be recorded when the system determines that the selected program is copy protected as taught by Knudson et al into Wonfor et al's system in order to warn the user that the selected programs are copy protected and therefore can not be useable if recorded.

It is noted that the proposed combination of Wonfor et al and Knudson et al does not specifically disclose that the digital broadcast receiving device comprises: a timer record operation setup means for setting up a timer record operation for a desired program and timer record operation execution controlling means for determining

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whether or not the program can be recorded and for canceling the timer record operation and issuing a message that represents that the timer record operation cannot be performed when the program cannot be recorded as the determined result.

Marsh et al teaches a VCR recording timeslot adjustment having timer recording operation setup means (VCR record timer 27 of Fig. 2, page 6, line 62 to col. 7, line 8); and timer record operation execution controlling means (CPU 25 of Fig. 2, col. 12, lines 62-67 and col. 13, lines 36-43) for deterring whether or not the program can be recorded and for canceling the timer record operation and issuing a message that represents that the timer record operation cannot be performed when the program cannot be recorded as the determined result.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of automatically adjusting the VCR recording function of a set-top in a manner to accommodate the occurrence of a program-delay event or a program cancel event as taught in Marsh et al into Wonfor et al's system in order to accurately unattended record the television program.

Regarding claim 12, Marsh et al discloses the claimed wherein said timer record operation execution controlling means determines that the timer record operation cannot be executed when one of the plurality of digital signal processing devices that executes the timer record operation is operating (checking conflict with another active VCR-record timer 27 disclosed in page 8, lines 56-67).

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Regarding claim 13, the combination of Knudson et al and Marsh et al discloses all the claimed limitations as discussed in claim 3 above except for providing that the record medium is loaded to a device.

The capability of loading video cassette to video cassette recorder to record the desired video program is old and well known in the art and; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known loading video cassette to video cassette recorder into Wonfor et al's system in order to accurately record video program on the video cassette for later use.

Regarding claim 14, Marsh et al also discloses the claimed wherein when a synchronous record operation is performed between two of said plurality of digital signal processing devices, said timer record operation execution controlling means determines that the timer record operation cannot be performed (checking conflict with another active VCR-record timer 27 disclosed in page 8, lines 56-67).

Regarding claim 15, Marsh et al discloses the claimed wherein while an output signal of said digital broadcast receiving device is being recorded, said timer record operation execution controlling means determines that the timer record operation cannot be executed (checking conflict with another active VCR-record timer 27 disclosed in page 8, lines 56-67).

Regarding claim 16, Marsh et al discloses the claimed wherein said timer record operation execution controlling means detects the states of said plurality of digital signal

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processing devices corresponding to data transmitted through the interface so as to determine whether or not the timer record operation can be executed (checking conflict with another active VCR-record timer 27 disclosed in page 8, lines 56-67).

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

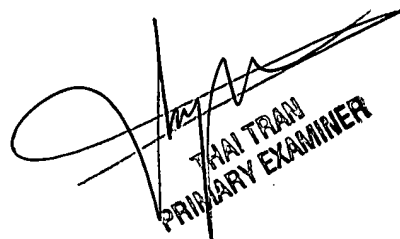
The cited references relate to an apparatus for record video signal.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ

  
THAI TRAN  
PRIMARY EXAMINER